

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

**BRITTANY M. THOMPSON,  
JENNIFER R. HIGHT,  
KATHERINE M. BELLOWS, and  
DANIELLE L. MCELROY,  
individually and on behalf of all  
others similarly situated who consent  
to their inclusion in a collective  
action,**

**Plaintiffs,**

**v.**

**1715 Northside drive, Inc. d/b/a  
Diamond Club, a corporation; A-1  
ENTERTAINMENT, INC. and  
CARMEN POPOVITCH, individuals,**

**Defendants.**

Civil Action No. 1:14-cv-00390

**MOTION FOR RECONSIDERATION**

NOW COME Plaintiffs Brittany M. Thompson, Jennifer R. Hight, Katherine M. Bellows, and Danielle L. McElroy (collectively “Plaintiffs”), individually, and on behalf of all others similarly situated who consent to their inclusion in a collective action, through counsel, and hereby move this Court to reconsider the Order dated July 19, 2016 dismissing the above-styled action.

**ARGUMENT AND CITATION TO AUTHORITY**

“Upon motion, and upon such terms as are just, the court may relieve a party or a party’s legal representative from final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect....” Fed. R. Civ. P. 60(b)(1). “Rule 60(b) is to be given a liberal and remedial construction.” Nisson v. Lundy, 975 F.2d 802, 807 (11th Cir. 1992).

On July 19, 2016 this Court dismissed the above referenced Complaint for failing to file a status report as required by this Court in this matter. This was not an intentional act of the parties or their counsel. Instead in seeking a joint report of counsel in this matter, several emails were exchanged regarding the status report, as were final settlement negotiations that were ongoing in this matter. *See* Emails between M. Pinter and K. Newby, dated July 14-19, 20016, attached hereto as Exhibit 1.

Indeed a joint report was prepared by both parties. *See* Joint Status Report of the Parties, dated July 16, 2016, attached hereto as Exhibit 2. Unfortunately, when counsel for Defendants emailed back the changes, Counsel for Plaintiff were involved in a series of Court hearings in Clayton and Fulton Counties and failed to file the document that was emailed back with acceptable changes from counsel for Defendants.

The parties have engaged in extensive settlement negotiations and have, as the status report notes, reached an agreement in principle. There is no remaining issue as to amount of monies to be paid, only to the terms of the actual settlement agreement and the amounts to be paid per month. Plaintiff's counsel deeply regrets that the Status report was not filed within the time frame provided by the Court, but notes that there are sixteen (16) Plaintiffs involved in this matter and it is difficult to coordinate that number of Plaintiffs in this type of manner.

Be that as it may, a settlement in principle has been reached in this case and Plaintiffs' counsel will diligently work to move this matter to a close. Plaintiffs' counsel have been diligent throughout this litigation, have fronted all costs associated with this matter and have achieved a settlement with one Defendant. Settlement is and was imminent with the remaining Defendants. To prevent a manifest injustice to sixteen (16) women who have suffered the indignities of being forced to pay to work, being underpaid, and generally at the mercy of their employers, Plaintiffs respectfully request the Court to reconsider its Order of July 19, 2016, reinstate this matter and allow the settlement to be finalized.

Respectfully submitted this 5th day of August, 2016.

/s/ W. Anthony Collins, Jr.  
W. Anthony Collins, Jr.

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**CERTIFICATE OF SERVICE AND L.R. 7.1 CERTIFICATE OF  
COMPLIANCE**

I hereby certify that this document has been prepared with one of the font and point selections approved by the court in LR 5.1 or, if type written, that the brief does not contain more than 10 characters per inch of type. This document was prepared in Times New Roman 14 point font. I further certify that I have this day

filed the foregoing document using the CM/ECF e-filing system, which will automatically transmit a copy of said document to the following counsel:

Kenneth A. Newby  
Newby Law Group LLC  
55 Ivan Allen Jr. Blvd.  
Suite 820  
Atlanta, Georgia 30308

Dated: August 5, 2016.

/s/ W. Anthony Collins, Jr.  
W. Anthony Collins, Jr.  
Georgia Bar No. 141712